

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

3 J. DOUGLAS WILSON (DCBN 412811)
4 Chief, Criminal Division

5 ELISE BECKER (NYBN 2540730)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102-3495
9 Telephone: (415) 436-6878
10 FAX: (415) 436-7234
11 Elise.Becker@usdoj.gov

12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA) CR No. 14-00336 WHO
17 Plaintiff,)
18 v.) STIPULATION AND [PROPOSED]
19 ERIC OMURO,) PROTECTIVE ORDER
20 a/k/a Steve Bucher,)
a/k/a Craig Armstrong,)
a/k/a Ed Cook,)
a/k/a "Red," and)
ANNMARIE LANOCE,)
a/k/a Madison Monroe,)
a/k/a "Maddie,")
Defendants.)

21 Plaintiff, United States of America, by and through MELINDA HAAG, United States Attorney
22 for the Northern District of California, and Assistant United States Attorney Elise Becker, and the
23 defendants, Eric Omuro by and through his attorney Nanci Clarence, and defendant Annmarie Lanoce
24 by and through her attorney Geoffrey Hansen, hereby stipulate and agree as follows:

25 The defendants are charged in an Indictment with violations of Title 18, United States Code,
26 Sections 1952 and 1957. In connection with this Indictment, the United States is in possession of
27 computer media, materials, and other records that it alleges contain personal identifier information

1 relating to the defendants and a very large number of witnesses, some of whom are minors, as well as
2 images of a sexual nature.

3 WHEREAS pursuant to Title 18, United States Code, Section 3509(m), notwithstanding Fed. R.
4 Crim. P. 16, any property or material that constitutes child pornography shall remain in the care,
5 custody, and control of either the Government or the court, and courts are required to deny defense
6 requests to copy, photograph, duplicate, or otherwise reproduce any property or material constituting
7 child pornography if the United States makes the property or material reasonably available to the
8 defendant and provides ample opportunity for the defense to examine it at a government facility. 18
9 U.S.C. § 3509(m).

10 WHEREAS pursuant to Title 18, United States Code, Section 3509(d), an attorney for the
11 government is required to take measures to maintain the confidentiality of documents and other
12 materials that disclose the identity of a child victim or witness to ensure that such materials are disclosed
13 only to those persons who have reason to know such information, by reason of their participation in the
14 proceeding. 18 U.S.C. § 3509(d)(1). The government may fulfill this duty by releasing such
15 information under a protective order. 18 U.S.C. § 3509(d)(3). Such an order may issue upon the court's
16 determination that "there is a significant possibility that such disclosure would be detrimental to the
17 child," and may "provide for any ... measures that may be necessary to protect the privacy of the child."

18 *Id.*

19 WHEREAS the government asserts that certain records pertain to minors, and that given the
20 nature of the alleged crimes, the disclosure of identifying information would be detrimental to the
21 minors.

22 WHEREAS in order to comply with Title 18, United States Code, section 3509(m), and protect
23 identifying information pertaining to minors and witnesses, and to allow the defendants the greatest
24 opportunity to prepare an effective defense in preparation for trial in this matter, the United States and
25 defendants agree that disclosure of these materials are subject to the following restrictions:

26 IT IS HEREBY STIPULATED AND AGREED:

27 1. The provisions of this Protective Order apply to computer media, materials, and other electronic
28 records that the United States alleges contain personal identifier information, images of a sexual nature,

1 and images of minors ("alleged materials").

2 2. The following individuals (the "defense team") may obtain and examine the alleged materials
3 under the conditions set forth herein for the sole purpose of preparing the defense and for no other
4 purpose:

- 5 a. Counsel for defendants;
- 6 b. Defendants;
- 7 c. Persons employed by defense counsel who are assisting with the preparation of the
8 defense;
- 9 d. Any expert retained on behalf of the defendants to assist in the defense of this matter;
- 10 e. Any investigator retained on behalf of defendants to assist in the defense of this matter.

11 3. The defense team shall not make copies of any images from the alleged materials without further
12 Court Order. This prohibition includes (1) printing images onto paper, (2) duplicating images in any
13 digital format, and (3) sending images electronically. Non-image files such as word processing files,
14 emails, and other text files may be duplicated to the extent necessary to prepare the defense of this
15 matter but only after the person duplicating the material has confirmed that the file does not contain any
16 embedded image.

17 4. The defense team agrees to treat any materials described in paragraph one, above, as
18 confidential, meaning that they will not be included in any public filings, either as exhibits or
19 attachments, without the stipulation of the parties or a Court order.

20 5. This Stipulated Order is a negotiated procedure by the parties in this case. It does not constitute
21 a concession or waiver by the United States or the defendants regarding discovery procedures generally
22 in this case, in any other or future case.

23 6. Any disputes concerning this Stipulation and Protective Order shall be resolved by this Court
24 only after counsel for the United States and defendants have first conferred and attempted to resolve the
25 dispute.

26 7. Within 30 days of the entry of the judgment in this matter, all material provided to the defendants
27 pursuant to this Order, and all other authorized copies, if any, shall be returned to the United States. The
28 United States shall destroy them. If any defendant believes that the materials must be maintained for

any reason, such as an appeal, a defendant must seek authorization to maintain the materials from this Court within 30 days of the judgment in this matter.

4 SO STIPULATED.

MELINDA HAAG
United States Attorney

6 DATED: 8 (22), 2014

Elise Becker
Elise Becker
Assistant United States Attorney

10 DATED: 8/21, 2014

Nanci Clarence
Attorney for Eric Omuro

13 | DATED: 0 / 9 /, 2014

Geoffrey Hansen
Attorney for Annmarie Lanoce

15 SO ORDERED.

18 | DATED: _____

HONORABLE WILLIAM H. ORRICK
United States District Court Judge